

Danilo Igtanloc
2370 Tamalpais Ave.
Brentwood, CA 94513
Phone (925) 642-9065
Defendant in Propria. Persona.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

US BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR JPM ALT 2006-A1

Plaintiff;

VS.

DANILO IGTANLOC and DOES 1 through
100 Inclusive;

Defendants.

Case No.

C08-03822 *CZ*

State Case No. 08-1692

PETITION FOR REMOVAL

**28 USC 1331, 1332,
28 USC 1441(a)(b)(c), 1443
28 USC 1446, FRCP 81(c)**

TO The Honorable Judges of the United States District Court for the Northern District of
California:

Petitioner, Danilo Igtanloc, appearing Pro. Se. respectfully shows this Court:

1. Petitioner is the Defendant in the above-entitled action.
2. The above-entitled and pending civil action was filed in the Superior Court of
the State of California County of Contra Costa, Pittsburg Branch-Civil Limited on August
01, 2008.
3. The issue of Plaintiff's foreclosure and Unlawful Detainer is a complex litigation
in that Defendant has a claim against this claimant and others for FRAUD including
violations of 15 U.S.C. § 1611 et seq.; 26 U.S.C. § 2605 et seq.; 15 U.S.C. § 1602 et
seq.; 15 U.S.C. § 1692.; which does not appear on the face of Plaintiff's complaint,
however the constitutionality of the application of the Unlawful Detainer Statutes
California Code of Civil Procedure section 1161a et seq. as applied to Defendants after a

1 non-Judicial foreclosure is in issue, as well as the Non-judicial foreclosure itself under
2 Cal. Civ. Code sec 2924.

3
4 The issue is the lack of both substantive and procedural Due Process in the foreclosure
5 proceedings as there is no opportunity to defend against a wrongful foreclosure, and
6 thereafter no defense to the Unlawful Detainer stemming there from.

7 4. This is a diversity action as Defendant is a Citizen of the State of California and
8 Plaintiff is a corporation which operates internationally in several countries outside the
9 United States, with its main offices on information and belief to be at 800 Nicollet Mall
10 Minneapolis, MN 55402.

11 Federal question in the following:

12 (A) Cal Civ. Code Sec 2924 was unconstitutionally applied to Defendant as there
13 was no opportunity to defend against a wrongful foreclosure, there was no
14 independent source to complain to too stop or prevent a wrongful or fraudulent
15 foreclosure.

16 (B) California Code of Civil Procedure 1161a is applied to Plaintiff and all parties in
17 a foreclosure action as a grinding mill, the time allowed for defense in
18 insufficient to prepare a "real" defense to this type of eviction, and NO real
19 defense is even allowed, the issue of the foreclosure being improperly carried
20 out, or unlawfully carried out, and whether the title was properly obtained is a
21 non issue in this type of complaint under California Law, and is not allowed to
22 be litigated, this code gives the illusion of providing a procedure where Due
23 Process is obtained but not the reality of receiving a meaningful procedure
24 either in form or substance as being substantive or procedural Due Process.
25

26
27 5. In the present case, apparently JPM ALT 2006-A1 remained in hiding as a
28 beneficiary, and JP Morgan Chase Bank, N.A. claimed to be the Beneficiary, and the
Lender, and in turn Chase Home Finance, LLC as Loan Servicer claimed the right to the

1 payments, no where in this chain did US Bank, National Association as Trustee for JPM
2 ALT 2006-A1 ever appear, and this defendant does not believe (i) that the property was
3 properly foreclosed, and (ii) that US Bank, National Association as Trustee for JPM ALT
4 2006-A1 has standing to evict. Defendant has a counter claim that ~~has been~~ ^{will be} filed and
5 intends to join the two cases for trial. _{clear}

6
7 6. Plaintiff has attached a true and correct copy of the Complaint dated August 01,
8 2008 hereto as Exhibit "1"

9
10 7. The above-entitled matter was commenced against Petitioner in the Superior
11 Court and is now pending therein as Case No. 08-1692.

12
13 8. On or about August 9, 2008, Defendant was served with a Summons and
14 Complaint in the above-entitled action.

15 9. The amount of money in controversy is currently in excess of \$500,000 which is
16 the value of the Property taken wrongfully, through the State non-judicial foreclosure and
17 is not under \$25,000 as Plaintiff alleges for the Superior Courts limited courts Jurisdiction.

18 10. This Court has original jurisdiction over these proceedings by virtue of 28 USC
19 1331, as a significant Federal question has been raised. Therefore, this matter may be
20 removed pursuant to 28 USC 1441(a)(b).

21 11. This Court has further original Jurisdiction under 28 USC 1332 as Plaintiff is a
22 resident and has there primary place for doing business in the State of Minnesota and
23 Defendant is a resident of California

24 12. This court also has original jurisdiction as this is a matter that falls under Title
25 42 section 1983 ("The CIVIL Rights Act") which provides:

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27 ///

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1 Every person who, under color of any statute, ordinance, regulation, custom, or
2 usage, of any State or Territory or the District of Columbia, subjects, or causes to
3 be subjected, any citizen of the United States or other person within the jurisdiction
4 thereof to the deprivation of any rights, privileges, or immunities secured by the
5 Constitution and laws, shall be liable to the party injured in an action at law, suit in
6 equity, or other proper proceeding for redress, except that in any action brought
7 against a judicial officer for an act or omission taken in such officer's judicial
8 capacity, injunctive relief shall not be granted unless a declaratory decree was
9 violated or declaratory relief was unavailable. For the purposes of this section, any
10 Act of Congress applicable exclusively to the District of Columbia shall be
11 considered to be a statute of the District of Columbia.

12 13. That Declaratory relief is unavailable in the limited court and this action
13 because of the limited amount of time allowed prior to trial and the lack of defenses that
14 will be heard.

15 14. That this Court has Original Jurisdiction to hear and determine matters under
16 title 42 section 1983 by virtue of 28 USC 1443.

17 15. The Petitioner has filed with the Clerk of the United States District Court within
18 30 days after service on Petitioner of the aforesaid Complaint in the above-entitled action,
19 this Petition for Removal.

20 WHEREFORE Petitioner prays that the above-entitled action be removed from the
21 Superior Court to the United States District Court.

22 DATED Aug. 11 2008

23 Danilo A. Igatanloc
24 Danilo Igatanloc

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EXHIBIT "1"

Complaint dated August 01, 2008

**SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**

DANILO IG TANLOC; and DOES 1 to 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**US BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR JPM ALT
2006-A1

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
PITTSBURG

2008 AUG -1 P 2: 59 POLIONE

K. TORRE, CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

By: _____ Deputy Clerk

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY
45 CIVIC AVENUE

PITTSBURG, CA 94565

PITTSBURG BRANCH-CIVIL LIMITED

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

EARL R. WALLACE, ESQ.

(949) 759-1080

RUZICKA & WALLACE, LLP (SBN #174247)

16520 BAKE PARKWAY, SUITE 280

IRVINE, CA 92618

(Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☐ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: **AUG - 1 2008** Clerk, by **S. POLIONE**, Deputy
(Fecha) (Secretario) (Adjunto)

For proof of service of this summons, use Proof of Service of Summons (form POS-010).
Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).

SEAL]

4. NOTICE TO THE PERSON SERVED: You are serveda. ☐ as an individual defendant.b. ☐ as the person sued under the fictitious name of (specify):c. ☐ as an occupantd. ☒ on behalf of (specify):under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☒ CCP 415.46 (occupant)☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)☐ other (specify):**5. ☐ by personal delivery on (date):**

Page 1 of:

PLAINTIFF (Name): US BANK, NATIONAL ASSOCIATION AS TRUSTEE
FOR JPM ALT 2006-A1

CASE NUMBER:

DEFENDANT (Name): DANILO IGTANLOC; and DOES 1 to 20,
inclusive

6. Unlawful detainer assistant (complete if plaintiff has received any help or advise for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and ZIP:
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.

2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.

3. If you do not file this form, you will be evicted without further hearing.

TELEPHONE NO.:

FOR COURT USE ONLY

DEFENDANT: DANILO IGTANLOC; and DOES 1 to 20, inclusive

CASE NUMBER: **PS 08-1692**

(To be completed by the process server)

DATE OF SERVICE:

(Date that this form is served or delivered,
and posted, and mailed by the officer or
process server)

(Continued on reverse)

PLAINTIFF (Name): US BANK, NATIONAL ASSOCIATION AS TRUSTEE
FOR JPM ALT 2006-A1
DEFENDANT (Name): DANILO IGTANLOC; and DOES 1 to 20,
inclusive

CASE NUMBER:

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. Rental agreement. I have (check all that apply to you):

- a. ☐ an oral rental agreement with the landlord.
- b. ☐ a written rental agreement with the landlord.
- c. ☐ an oral rental agreement with a person other than the landlord.
- d. ☐ a written rental agreement with a person other than the landlord.
- e. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the court filing date on the accompanying Summons and Complaint.)
3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

FILED
PITTSBURG

2008 AUG -1 P 2:19

K. TORRE, CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.
BY: S. POLIONE Deputy Clerk

Earl R. Wallace, Esq. (State Bar Number 174247)
RUZICKA & WALLACE, LLP
16520 Bake Parkway, Suite 280
Irvine, CA 92618
Telephone: (949) 759-1080
Facsimile: (949) 759-6813

Attorneys for Plaintiff, **US BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR JPM ALT 2006-A1**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA, PITTSBURG BRANCH-CIVIL LIMITED**

PS 08-1692

US BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR JPM ALT 2006-A1,

Plaintiff,

vs.

DANILO IGTANLOC; and DOES 1 to 20,
inclusive,

Defendants.

Case No.:

LIMITED CIVIL CASE

COMPLAINT FOR UNLAWFUL DETAINER

**AMOUNT DEMANDED DOES NOT EXCEED
\$10,000**

[California Code of Civil Procedure § 1161a]

Plaintiff alleges:

1. This court is the proper court for this action because:

a. Each Defendant resides and/or conducts business in the area served by this Court;

b. The real property which is the subject of this action **2370 TAMALPAIS AVENUE, BRENTWOOD, CA 94513** (hereinafter, the "Property"), is located in the area served by this Court; and

c. The amount of damages claimed in this action does not exceed \$10,000.00.

2. Plaintiff is informed and believes and thereon alleges that the Defendant(s), and each of them, are, and at all times herein mentioned, were residents of the County of CONTRA COSTA, State of California, and reside within the jurisdictional boundaries of this Court.

3. The true names and capacities of Does 1 through 20, inclusive, are presently unknown to Plaintiff, who therefore sues such Defendant(s) under such fictitious names pursuant to Section 474 of the Code of Civil Procedure. Plaintiff is informed and believes, and on such information and belief, alleges that each such "Doe" Defendant is in possession of the Property, without the permission or consent of Plaintiff, and Plaintiff will amend this complaint to state the true names and capacities of said Defendant(s) when the same have been ascertained.

4. Plaintiff is informed and believes, and thereon alleges that the Defendant(s) and each of them, are, and at all times mentioned herein were, the agent, servant and employee of each of the other Defendant(s), and in doing the things herein alleged, were acting within the course and scope of said agency and employment.

5. Plaintiff is the owner of and entitled to immediate possession of the Property.

6. The Property was sold in accordance with Section 2924 of the Civil Code, under power of sale contained in a deed of trust, and title under the sale has been duly perfected in Plaintiff.

7. On JULY 9, 2008, in the manner required by law, Plaintiff caused to be served upon Defendant(s), and each of them, a written notice ("Notice") to quit and deliver upon possession of the Property to Plaintiff within three (3) days after service of the Notice. A true and correct copy of the Notice and Proof of Service thereof are attached to this complaint collectively as Exhibit "A", and incorporated herein by this reference.

8. More than three (3) days have elapsed since the service of the Notice, but Defendant(s), and each of them, have failed and refused to deliver up possession of said premises to Plaintiff.

9. Defendant(s), and each of them, remain in possession of the Property without Plaintiff's permission or consent.

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VERIFICATION

I am one of the attorneys for the Plaintiff in the above entitled action. The Plaintiff is absent from County in which I have my office, or the Plaintiff is otherwise unable to verify this pleading, and I make this verification for an on behalf of Plaintiff for that reason. I have read the foregoing Complaint for Unlawful Detainer and am familiar with its contents. I am informed and believe that the matters contained within it are true and on that ground allege that the matters stated are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JULY 29, 2008 at Irvine, California.

RUZICKA & WALLACE, LLP
A California limited liability partnership


By: EARL R. WALLACE, Partner
Attorneys for Plaintiff

EXHIBIT A

NOTICE TO QUIT

TO: DANILO A. IGATANLOC and all tenants, subtenants, and others in possession

ADDRESS: 2370 TAMALPAIS AVENUE
BRENTWOOD, CA 94513

THE ABOVE-REFERENCED REAL PROPERTY ("PROPERTY") WAS SOLD IN ACCORDANCE WITH SECTION 2924 OF THE CALIFORNIA CIVIL CODE UNDER A POWER OF SALE CONTAINED IN A DEED OF TRUST SECURING SAID PROPERTY, AND TITLE UNDER THE SALE HAS BEEN DULY PERFECTED. THE NEW OWNER SEEKS IN GOOD FAITH TO RECOVER POSSESSION OF THE PROPERTY.

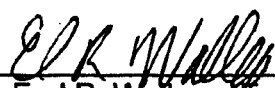
WITHIN THREE DAYS AFTER SERVICE OF THIS NOTICE, YOU ARE HEREBY REQUIRED TO VACATE AND DELIVER POSSESSION OF THE PROPERTY NOW HELD AND OCCUPIED BY YOU TO THE UNDERSIGNED UNLESS YOU ARE A TENANT OR SUBTENANT WHO RENTED THE PROPERTY BEFORE THE FORECLOSURE SALE. IN THAT EVENT, YOU ARE REQUIRED TO VACATE THE PROPERTY WITHIN THIRTY DAYS AFTER SERVICE OF THIS NOTICE.

THIS NOTICE IS INTENDED AS A NOTICE TO QUIT PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1161a.

NOTE: IF YOU ARE NOT ONE OF THE PERSONS NAMED ABOVE OR YOU CLAIM TO BE A TENANT OR SUBTENANT WHO IS ENTITLED TO REMAIN IN THE PROPERTY FOR MORE THAN THREE DAYS, YOU MUST GIVE NOTICE TO THE UNDERSIGNED WITHIN THREE DAYS OF THE DATE THIS NOTICE IS SERVED.

RUZICKA & WALLACE, LLP
A California limited liability partnership

DATED: JULY 8, 2008


By: Earl R. Wallace, Esq.
Attorneys for the new owner: U.S. BANK,
NATIONAL ASSOCIATION AS TRUSTEE FOR
JPM ALT 2006-A1

16520 Bake Parkway, Suite 280
Irvine, CA 92618
Telephone: (949) 748-3619
Facsimile: (949) 759-6813

**THIS NOTICE SUPERSEDES ALL PRIOR NOTICES TO QUIT;
THIS IS THE OPERATIVE NOTICE**

PROOF OF SERVICE

CLIENT: **RW**

INV #: **10665** CLIENT INV #: **083230**

PLAINTIFF: **US BANK**

PERSON(S) SERVED: **DANILO A. IG TANLOC**
AND ALL OTHERS IN POSSESSION

ADDRESS:
2370 TAMALPAIS AVENUE
BRENTWOOD CA 94513

DOCUMENT(S) SERVED:
3/60 DAY NOTICE TO QUIT

I, the undersigned, being at least 18 years of age, declare, under penalty of perjury, (under the laws of the State of California) that I served a copy of the above document(s) in the manner indicated below.

DATE: **7/9/08**

TIME: **2:25 pm**

CONSTRUCTIVE SERVICE - POST AND MAIL

On the date and time specified above, I posted a copy of the document(s) for each named occupant(s) in a conspicuous place there being no person of suitable age and discretion to be found at any of the named occupant(s) known place of residence or business.

I do not know any other place of business/residence of any occupant(s) named.

SERVICE OF MAIL

On the date specified above, I caused a copy of the document(s) to be mailed to each of the named via First Class, United States Mail, postage prepaid, in a sealed envelope to the address listed above.

DATE: **7/29/08** JLS

FEE: **\$0.00**



LUKE HATTON

California Registered Process Server, County of CONTRA COSTA
Registration # 731

JENSEN LEGAL SERVICES, INC. 505 N. Tustin Ave., Suite 248 Santa Ana, CA
92705 714-541-8825

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2008, I did serve a true copy of the foregoing Notice together with copies of the Petition for Removal, on Earl R. Wallace, attorney of record for Plaintiff in the above-entitled action, by causing the same to be placed in the United States mail, postage thereon fully prepaid, and addressed to:

Earl R. Wallace, Esq.
Ruzicka & Wallace, LLP
16520 Bake Parkway, Suite 280
Irvine, CA. 92618

Attorneys for US Bank, National Association as Trustee for JPM ALT 2006- A1

DATED Aug. 11, 2008

Danilo Ignatloc
Danilo Ignatloc